

Serial No. 10/020,045
Letter dated March 23, 2009
Reply to Notice of March 11, 2009

PATENT
PU010301
Customer No. 24498

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Patent Application**

Inventor(s) : John Herbert Stevens, et al.
Serial No. : 10/020,045
Filed : December 13, 2001
Title : SYSTEM AND METHOD FOR AUTOMATIC
SWITCHING TO INTERACTIVE APPLICATION DURING
TELEVISION PROGRAM BREAKS
Examiner : Annan Q. Shang
Art Unit : 2424

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LETTER TO EXAMINER

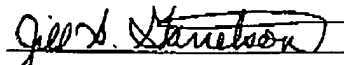
**Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

Responsive to the Notice of Improper Request for Continued /
Examination (hereinafter known as "RCE") dated March 11, 2009 (enclosed),
Applicants want to advise the Examiner herewith that the RCE and Notice of
Appeal that was filed on March 4, 2009, the Notice of Appeal is to be
maintained while the RCE is to be withdrawn at this time. The RCE was
inadvertently filed instead of a Request for a three month Extension of Time.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via
facsimile to Mail Stop AF, Commissioner for Patents, P.O. Box 1450,
Alexandria, Virginia 22313-1450 on March 23, 2009 at facsimile number (571)
273-8300:



Jill S. Garretson

Total No. of Pages: 4

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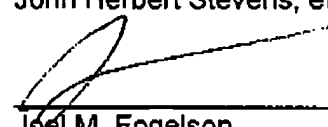
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As for the Request for a three month Extension of Time, the General Authorization to Charge Deposit Account Under 37 C.F.R. 1.25(b) and General Authorization to Request Extensions of Time Under 37 C.F.R. 1.136(A)(3) which was filed by Applicants on March 17, 2009 should cure all deficiencies in application from the March 4, 2009 response to the final Office Action of September 4, 2008.

Applicants hereby request the Examiner to accept the Notice of Appeal as filed on March 4, 2009 as well as the General Authorization to Charge Deposit Account Under 37 C.F.R. 1.25(b) and General Authorization to Request Extensions of Time Under 37 C.F.R. 1.136(A)(3) filed on March 17, 2009.

It is believed that no fee is due in connection with this matter because all requisite fees should have been charged to Deposit Account No. 07-0832 on March 4 and March 17, 2009 as authorized, respectively. However, if any fee is due, please charge it to Deposit Account No. 07-0832.

Respectfully submitted,
John Herbert Stevens, et al.

By: 
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March 23, 2009

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03/11/2009

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Paper No.

JF

Application No.:	10/020,045 	Date Mailed:	03/11/2009
First Named Inventor:	Stevens, John, Herbert	Examiner:	SHANG, ANNAN Q
Attorney Docket No.:	PU010301	Art Unit:	2424
Confirmation No.:	6251	Filing Date:	12/13/2001

Please find attached an Office communication concerning this application or proceeding.

① NTFC IMPROPER RCE

Event	② APPEAL BRIEF
Deadline	04/05/09
Entered	20/03/09

Commissioner for Patents

PTO-90c (Rev.08-06)

MAR 23 2009

**NOTICE OF IMPROPER REQUEST FOR
CONTINUED EXAMINATION (RCE)**Application No.
10/020,045Applicant(s)
STEVENS ET AL.Art Unit
2400

Date Mailed:

The request for continued examination (RCE) under 37 CFR 1.114 filed on 03/04/09 is improper for reason(s) indicated below:

1. ☐ Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
2. ☐ Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
3. ☐ Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
4. ☐ The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. ☐ The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. ☐ The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. ☒ The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date on or after June 8, 1995 will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

A copy of this Notice MUST be returned with the reply.

Direct any questions concerning this notice to

/PARTHENIA MERRILL/, Technology Center 2400

Telephone Number: (571)272-1636